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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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November 3, 1997

OUR FILE NO.
1199-104-63

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Petition for Rulemaking
MM Docket No. 97-194
RM-9128

Dear Mr. Caton:

Transmitted herewith on behalf of Alpine Broadcasting, Ltd. is an original and four copies of its Comments and Counterproposal in connection with the above-referenced rulemaking proceeding.

Kindly communicate any questions regarding this matter directly to this office.

Very truly yours,


Rafael G. Prohias

RGP/nd
Enclosures: (5)

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Before the

Federal Communications Commission

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In The Matter Of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations
Shelley and Island Park, Idaho

MM Docket No. 97-194
RM-9128

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Comments and Counterproposal of Alpine Broadcasting, Ltd.

By *Petition for Rulemaking* filed on June 13, 1997, Woodcom, Inc.

("Woodcom" or "Petitioner"), permittee of a new FM station to operate Channel 300C at Shelley, Idaho, requests that the Commission amend Section 73.202(b), the FM Table of Allotments, substituting Channel 292C1 for Channel 300C at Shelley, modify its authorization accordingly to specify operation on the lower class channel, and further substitute Channel 300C for Channel 293C at Island Park, Idaho, to accommodate Woodcom's Shelley substitution request. In response, the Commission released a *Notice of Proposed Rulemaking* ("NPRM"), proposing the requested changes to the Table of Allotments and soliciting submission of comments by November 3, 1997. See *NPRM*, MM Docket No. 97-194, RM-9128, DA-97-1891 (released September 12, 1997).

Alpine Broadcasting Limited Partnership ("Alpine"), through counsel, hereby submits its Comments in response to the *NPRM*, and submits a Counterproposal to the Petition for Rulemaking. Specifically, Alpine requests that the Commission substitute Channel 275C, in lieu of Channel 300C, for Channel 293C at Island Park, Idaho. In support thereof, the following is submitted:

I. ALPINE'S COUNTERPROPOSAL.

On October 23, 1996, Alpine filed with the Commission a first-come/first-serve application for a new FM Channel 293C at Island Park, Idaho. See FCC File No. BPH-961023MJ.¹ Alpine's first-come/first-serve application currently specifies operation at the Sawtell Peak communications site located 7.5 kilometers west of Island Park, Idaho. *Id.* However, that site is also located less than one kilometer from an existing Federal Aviation Administration radio facility. As demonstrated in the Engineering Statement attached hereto as *Exhibit A*, substitution of Channel 300C for Channel 293C, as proposed by the *NPRM*, would not be in the public interest as the normal bandwidth/emission limitations for broadcast stations would result in the potential for significant energy emission above 108 MHz. See *Exhibit A*, pp. 1-2.

Accordingly, Alpine respectfully requests that the Commission substitute Channel 275C for Channel 293C, in lieu of the Commission's

¹ BPH-961023MJ was subsequently amended on August 7, 1997 in response to a Commission letter dated July 9, 1997, and amended on August 29, 1997, pursuant to Section 1.65 of the Commission's Rules.

proposal in its *NPRM* of substituting Channel 300C for Channel 293C. As provided in Alpine's Engineering Statement and accompanying channel study, Channel 275C can be substituted for Channel 293C at geographic coordinates North Latitude 44° 23' 30" and West Longitude 111° 18' 42" — the existing Channel 293C allocation at Island Park, Idaho. This site will provide greater than 70 dBu coverage over all of Island Park. *Id.* In addition, Channel 275C meets the co-channel and adjacent channel spacing requirements for Class C stations pursuant to Section 73.207 of the Commission's Rules, at geographic coordinates North Latitude 44° 33' 39" and West Longitude 111° 26' 24" — the site specified in BPH-961023MJ. *Id.*

If the Commission amends the FM Table of Allotments pursuant to Alpine's counterproposal as requested herein, Alpine will promptly amend BPH-961023MJ,² construct the modified facilities, place those facilities in operation, and will seek a license covering the Island Park facility.

II. CONCLUSION.

For the reasons stated above, the public interest will be served by the adoption of Alpine's counterproposal. Accordingly, in lieu of the Commission's proposed amendment to the FM Table of Allotments as set forth in the *NPRM*, Alpine respectfully requests the Commission amend the FM Table of Allotments as follows:

² As provided by the Commission, Alpine will be allowed to amend BPH-961023MJ without loss of cut-off protection. *NPRM* at para. 4.

City	Present Allotment	Proposed Allotment
Island Park, Idaho	293C	275C
Shelley, Idaho	300C	292C1

Respectfully submitted,

**ALPINE BROADCASTING
LIMITED PARTNERSHIP**

By: 

Theodore D. Kramer
Rafael G. Prohias

Its Attorneys

HALEY BADER & POTTS P.L.C.

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703/841-0606

November 3, 1997

EXHIBIT A
ENGINEERING STATEMENT

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ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION
TO SUBSTITUTE FM CHANNEL 227A
FOR FM CHANNEL 293C
FOR USE AT ISLAND PARK, IDAHO

COUNTERPROPOSAL IN MM DOCKET NO. 97-194

ALPINE BROADCASTING, LTD.

10/97

ENGINEERING STATEMENT

This Engineering Statement has been prepared on behalf of Alpine Broadcasting, Ltd., in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to substitute Channel 227C for Channel 293C for use at Island Park, Idaho. This Engineering Statement is being submitted as part of a counterproposal in MM Docket No. 97-194

Woodcom, Inc., permittee of a new FM station to operate on Channel 300C at Shelley, Idaho, has filed a petition for rulemaking in MM Docket No. 97-194 seeking the substitution of Channel 292C1 for Channel 300C at Shelley. Additionally, Woodcom has requested the substitution of Channel 300C for Channel 293C at Island Park, Idaho, to accommodate the change at Shelley.

Alpine Broadcasting, Ltd. ("Alpine") has filed a "first come/first-serve" application to operate on Channel 293C at Island Park (File No. BPH-961023MJ as amended). For the reasons outlined below, Alpine requests that Channel 275C, rather than Channel 300C, be substituted for Channel 293C at Island Park.

BPH-961023MJ requests operation at the Sawtell Peak communications site west of Island Park. This site is located less than 1 kilometer from an existing FAA radio facility. Use of Channel 300C (107.9 MHz) at Sawtell Peak would not be advisable, since the normal bandwidth/emission

Hatfield & Dawson Consulting Engineers

limitations for FM broadcast stations would result in the potential for significant energy emission above 108 MHz.

As outlined in the attached channel study, Channel 275C can be substituted for Channel 293C for use at Island Park in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. For this study the reference coordinates for the existing Island Park Channel 293C allocation (NL 44° 23' 30" x WL 111° 18' 42") have been used. The nominal distance to the 70 dBu F(50,50) contour for a Class C station is 67 kilometers, therefore, this site will provide greater than 70 dBu coverage for all of Island Park.

In addition, Channel 275C meets the co-channel and adjacent channel spacing requirements for Class C stations as prescribed in §73.207 of the Commission's Rules at the site specified in Alpine's application BPH-961023MJ (NL 44° 33' 39" x WL 111° 26' 24"). An additional channel study is included to demonstrate this fact. The requested substitution would not, therefore, require significant modification of the existing application for use of the Island Park channel.

CERTIFICATION

This Engineering Statement supporting a Petition for Rulemaking, as a counterproposal in MM Docket No. 97-194, to revise the Table of Allotments to substitute Channel 275C for Channel 293C for use at Island Park, Idaho, has been prepared on behalf of Alpine Broadcasting, Ltd. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

October 31, 1997



Benjamin F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers

Seattle, WA

FM SEPARATION STUDY

Job Title :275C AT ISLAND PARK REFERENCE

Separation Buffer 100 km

FCC DB Date : 10/17/97

Channel 275C (102.9 MHz)

Coordinates : 44-23-30 111-18-42

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K221DE LIC	Wilson, etc. WY	221D BLFT881129TL	92.1	.023 732.0	43-31-00 110-54-00	161.1	102.69 .00	0 TRANS
Translator for KMTH, Jackson, WY.								
ALC	Victor ID	Docket97-37	222A 92.3	.0	43-36-12 111-06-36	169.5	89.08 60.08	29 CLEAR
Effective 7-14-97 per D97-37								
NEW APP	Victor ID	BPH970814ML	222A 92.3	6.0 -205.0	43-35-54 111-05-16	168.4	89.97 60.97	29 CLEAR
NEW APP	Victor ID	BPH970814MQ	222A 92.3	.540 329.0	43-29-34 110-57-17	163.9	103.92 74.92	29 CLEAR
Longitude is out of range for the state.								
NEW APP	Victor ID	BPH970813MB	222A 92.3	0.48 340.0	43-29-33 110-57-16	163.9	103.95 74.95	29 CLEAR
Longitude is out of range for the state.								
K272AG LIC	Soda Springs, etc. ID	272D BLFT143	102.3	.0	42-37-48 111-41-00	188.8	198.03 .00	0 TRANS
TRANSLATOR FOR KISN, SALT LAKE CITY, UT.								
KMGI LIC	Pocatello ID	273C BLH871216KF	102.5	100. 312.0	42-51-57 112-30-46	210.1	195.29 90.29	105 CLEAR
K275AB LIC	Freedom WY	275D BLFT951023TJ	102.9	.010 900.0	43-06-40 111-07-25	173.9	143.09 .00	0 TRANS
Translator for KCVI(FM), Blackfoot, ID Vertical Polarization Only								
KCTRFM LIC	Billings MT	275C1 BLH790727AF	102.9	100. 152.0	45-45-59 108-27-19	54.7	271.90 1.90	270 CLOSE
KMVX LIC	Jerome ID	275C1 BLH7122	102.9	100. 232.0	42-43-54 114-25-04	234.7	311.44 41.44	270 CLEAR
K276DR LIC	Montpelier ID	276D BLFT940714TF	103.1	0.01 375.0	42-23-22 111-23-05	181.5	222.52 .00	0 TRANS
Translator for KBZN, Salt Lake City, UT- Vertical polarization only								

Seattle, WA

FM SEPARATION STUDY

Job Title :275C AT ISLAND PARK REFERENCE

Separation Buffer 100 km

FCC DB Date : 10/17/97

Channel 275C (102.9 MHz)

Coordinates : 44-23-30 111-18-42

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K276DW LIC	Ketchum, etc. ID		276D 103.1	.025 292.0	43-40-59 114-20-52	253.1	255.79 .00	0 TRANS
Translator for KSKIFM, Sun Valley, ID								
KVCM LIC	Helena MT		276C1 103.1	30. 207.0	46-46-11 112-01-25	348.4	270.08 61.08	209 CLEAR
Commerical Channel Operating Educational Proposed to Canada as Class C1 950126-Accepted by Canada 950331								
KVCM APP	Helena MT		276C1 103.1	34. 207.0	46-46-11 112-01-25	348.4	270.08 61.08	209 CLEAR
Commerical channel operating Educational Proposed to Canada as Class C1 950126-Accepted by Canada 950331								
KFTZ LIC	Idaho Falls ID		277C1 103.3	100. 201.0	43-21-06 112-00-22	205.9	128.34 23.34	105 CLEAR
NEW APP	Bozeman MT		278C1 103.5	100. 181.0	45-37-38 111-13-38	2.7	137.48 32.48	105 CLEAR
ALC	Bozeman MT	Docket94-24	278C1 103.5	.0	45-40-47 111-02-16	8.4	144.77 39.77	105 CLEAR
Effective 10-21-94								
NEW APP	Bozeman MT		278C1 103.5	100. 217.0	45-40-24 110-52-04	13.6	146.68 41.68	105 CLEAR
NEW APP	Bozeman MT		278C1 103.5	100. 90.0	45-41-35 110-58-58	10.0	146.94 41.94	105 CLEAR

** End of separation study for channel 275C **

Seattle, WA

FM SEPARATION STUDY

Job Title :275C AT ISLAND PARK APPLICATION

Separation Buffer 100 km

FCC DB Date : 10/17/97

Channel 275C (102.9 MHz)

Coordinates : 44-33-39 111-26-24

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K221DE LIC	Wilson, etc. WY	BLFT881129TL	221D 92.1	.023 732.0	43-31-00 110-54-00	159.4	123.84 .00	0 TRANS
Translator for KMTH, Jackson, WY.								
ALC	Victor ID	Docket97-37	222A 92.3	.0	43-36-12 111-06-36	166.0	109.63 80.63	29 CLEAR
Effective 7-14-97 per D97-37								
NEW APP	Victor ID	BPH970814ML	222A 92.3	6.0 -205.0	43-35-54 111-05-16	165.1	110.62 81.62	29 CLEAR
NEW APP	Victor ID	BPH970814MQ	222A 92.3	.540 329.0	43-29-34 110-57-17	161.7	124.90 95.90	29 CLEAR
Longitude is out of range for the state.								
NEW APP	Victor ID	BPH970813MB	222A 92.3	0.48 340.0	43-29-33 110-57-16	161.7	124.93 95.93	29 CLEAR
Longitude is out of range for the state.								
KMGI LIC	Pocatello ID	BLH871216KF	273C 102.5	100. 312.0	42-51-57 112-30-46	205.0	207.22 102.22	105 CLEAR
K275AB LIC	Freedom WY	BLFT951023TJ	275D 102.9	.010 900.0	43-06-40 111-07-25	170.9	163.08 .00	0 TRANS
Translator for KCVI(FM), Blackfoot, ID Vertical Polarization Only								
KCTRFM LIC	Billings MT	BLH790727AF	275C1 102.9	100. 152.0	45-45-59 108-27-19	59.1	270.22 .22	270 CLOSE
KMVX LIC	Jerome ID	BLH7122	275C1 102.9	100. 232.0	42-43-54 114-25-04	230.7	314.68 44.68	270 CLEAR
K276DR LIC	Montpelier ID	BLFT940714TF	276D 103.1	0.01 375.0	42-23-22 111-23-05	178.9	241.28 .00	0 TRANS
Translator for KBZN, Salt Lake City, UT- Vertical polarization only								
KVCM LIC	Helena MT	BLED930913KB	276C1 103.1	30. 207.0	46-46-11 112-01-25	349.7	249.68 40.68	209 CLEAR
Commerical Channel Operating Educational Proposed to Canada as Class C1 950126-Accepted by Canada 950331								

Seattle, WA

FM SEPARATION STUDY

Job Title :275C AT ISLAND PARK APPLICATION

Separation Buffer 100 km

FCC DB Date : 10/17/97

Channel 275C (102.9 MHz)

Coordinates : 44-33-39 111-26-24

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
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KVCM	Helena		276C1	34.	46-46-11	349.7	249.68	209
APP	MT	BMPED940504IZ	103.1	207.0	112-01-25		40.68	CLEAR
Commerical channel operating Educational								
Proposed to Canada as Class C1 950126-Accepted by Canada 950331								

K276DW	Ketchum, etc.		276D	.025	43-40-59	248.2	252.36	0
LIC	ID	BLFT950331TC	103.1	292.0	114-20-52		.00	TRANS
Translator for KSKIFM, Sun Valley, ID								

KFTZ	Idaho Falls		277C1	100.	43-21-06	198.8	141.84	105
LIC	ID	BLH940420KB	103.3	201.0	112-00-22		36.84	CLEAR

NEW	Bozeman		278C1	100.	45-37-38	7.9	119.70	105
APP	MT	BPH941121MR	103.5	181.0	111-13-38		14.70	CLOSE

ALC	Bozeman		278C1		45-40-47	14.1	128.32	105
	MT	Docket94-24	103.5	.0	111-02-16		23.32	CLEAR
Effective 10-21-94								

NEW	Bozeman		278C1	100.	45-41-35	15.7	130.88	105
APP	MT	BPH941121MO	103.5	90.0	110-58-58		25.88	CLEAR

NEW	Bozeman		278C1	100.	45-40-24	19.7	131.59	105
APP	MT	BPH941121MP	103.5	217.0	110-52-04		26.59	CLEAR

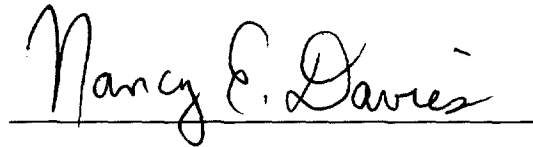
** End of separation study for channel 275C **

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

David Tillotson, Esq.
4606 Charleston Terrace, N.W.
Washington, DC 20007

Counsel for Woodcom, Inc.



November 3, 1997